

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 01-00334-01-CR-W-NKL  
 )  
 GEOFFREY L. SIMPKINS, )  
 )  
 Defendant. )

Comes now the United States of America by its United States Attorney, Todd P. Graves, and by its Assistant United States Attorney, William L. Meiners, and hereby files the Government's response to defendant's request to produce documents.

Defendant in this current petition requests that the Court issue its order to the Hazelwood, Missouri Police Department for a copy of police report No. 98-8041. In this regard, defendant alleges that several items seized by the Hazelwood, Missouri Police Department were given to the Federal Bureau of Investigation (FBI). Consequently, it is defendant's position that Special Agent Todd Gentry filed a false declaration as part of the government's response to defendant's show cause request.

Specifically, defendant claims that two photo albums were seized by the Independence, Missouri Police Department and then turned over to the Hazelwood, Missouri Police Department for

final seizure by the FBI. However, chain of custody is irrelevant to any issue in this case. Instead, the question as previously litigated, was whether these photographs constituted contraband.

In this regard, these photographs were subject to destruction regardless of whether they were seized by the FBI, the Independence, Missouri Police Department or the Hazelwood, Missouri Police Department. Rather, these photos were destroyed because they either constituted child pornography or were indicia of defendant's intent to engage in child abuse. Consequently, it was the nature of the photographs and not the origin of their recovery that was determinative of their destruction.

Therefore, because the government listed the obscene and contraband photographs on its Exhibit List for destruction and property returned all non-contraband photos and other items, with the inadvertent exception of a Freddy Krugar mask and a phone bill, defendant's motion is without merit. Indeed, this issue

has previously been litigated extensively in other pleadings.  
Accordingly, defendant's motion is not well taken and should be  
denied.

Respectfully submitted,

Todd P. Graves  
United States Attorney

By */s/ William L. Meiners*

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was  
served this 4th day of November 2004, by electronic notice on  
those parties having entered their appearance under the  
Electronic Filing System (ECF), and by U.S. Mail, postage  
prepaid, on those parties having requested notice by conventional  
service.

Geoffrey L. Simpkins  
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*/s/ William L. Meiners*

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William L. Meiners  
Assistant United States Attorney

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